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Cayman Islands

Working paper prepared by the Secretariat

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Note: The information contained in the present working paper has been derived from public sources, including those of the territorial Government, and from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations. Information was transmitted by the administering Power on 23 December 2013. Further details are contained in previous working papers, available from www.un.org/en/decolonization/workingpapers.shtml.

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The Territory at a glance

Territory: The Cayman Islands is a Non-Self-Governing Territory under the Charter administered by the United Kingdom of Great Britain and Northern Ireland

Representative of administrative Power: Governor Helen Kilpatrick (September 2013)

Geography: Located some 290 km west of Jamaica and about the same distance south of Cuba, the Territory comprises three islands: Grand Cayman, Cayman Brac and the adjacent Little Cayman

Land area: 264 km^2

Exclusive economic zone:[a] 119,137 km^2

Population: 56,700 (2012 estimate)

Ethnic composition: Afro-European (40 per cent), African (20 per cent), European (20 per cent), other (20 per cent)

Languages: English

Capital: George Town

Head of the territorial Government: Alden McLaughlin (May 2013)

Main political parties: People's Progressive Movement (the Progressives), United Democratic Party (UDP)

Elections: The most recent elections were held in May 2013; the next elections are due in May 2017

Legislature: 20-member Legislative Assembly (18 elected and 2 ex officio members)

Gross domestic product per capita: $55,000 (2012 estimate)

Economy: International financial services and tourism

Main trading partners: United States of America

Unemployment rate: 6.2 per cent (2012 estimate)

Monetary unit: Cayman dollar, pegged to the United States dollar (CI$ 1 = US$ 1.20)

Brief history: The Territory, reportedly sighted by Christopher Columbus in the late fifteenth century, was first settled by the British between 1661 and 1671. A tradition of self-government gradually grew in the Territory since 1734 and a legislative assembly was established in 1831. Slavery was abolished in 1834. In 1863, the Cayman Islands became a dependency of Jamaica and, when the latter achieved independence 99 years later, the Islands remained under the British Crown.

[a] Exclusive economic zone data from the "Sea Around Us" project, a collaboration between the University of British Columbia and the Pew Environment Group (www.seaaroundus.org).

I. Constitutional, legal and political issues

1. Under the 2009 Constitution, the Governor, appointed for four years by the British Crown, is responsible for external affairs, defence, internal security and the civil service.

2. The Territory's Cabinet is headed by a Premier appointed by the Governor. The former is a member of the Territory's 18-member Legislative Assembly who is recommended by the party with the majority of seats. The Cabinet, chaired by the Governor, consists of seven ministers appointed by the Governor upon the advice of the Premier from within the elected membership of the Legislative Assembly, plus two civil servants. In 2012, the Legislative Assembly approved an order, signed by the Governor that increased the number of elected members from 15 to 18. Those changes came into force with the legislative elections in May 2013.

3. During the general elections held in 2013, the People's Progressive Movement (the Progressives) won 9 of the 18 seats in the Legislative Assembly. The United Democratic Party (UDP) won three seats, and the remaining six seats were won by candidates who ran as independents or as part of differing political groups. Following the election, Juliana O'Connor-Connolly, the former Premier, joined the Progressives, giving them a majority of seats to form the Government. Shortly afterwards, three other newly elected representatives, who campaigned together as the Coalition for Cayman political group, also agreed to serve in the new administration, thus giving the Progressives a majority of 13 seats in the Assembly. As a result, Alden McLaughlin, the Leader of the Progressives, was appointed Premier of the Cayman Islands.

4. The judiciary consists of a Summary Court (including the Youth Court), a Grand Court and a Court of Appeal. The Summary Court has civil and criminal jurisdiction. Appeals from the Summary Court lie to the Grand Court, which is a superior court of record and administers the common law, the law of equity of England and locally enacted and applied laws. Appeals from the Grand Court lie to the Court of Appeal, composed of a president and not less than two judges. Further appeal lies, in certain circumstances, to the Judicial Committee of the Privy Council in London.

5. In 2011, the Cayman Islands Review Committee, issued a report entitled "United Kingdom and Cayman Islands Relationship Review". Among the central issues raised during the consultative exercise was a desire to achieve more local autonomy, while at the same time establishing a relationship that allowed for sustained support from the United Kingdom, for instance in case of pressure from the international financial community.

6. At a meeting of the Commonwealth Parliamentary Association held in Johannesburg, South Africa, in September 2013, a former premier of the Territory stated that the Cayman Islands had no mandate for independence, nor had the question arisen publicly. He added that the question of self-determination ought to be debated in the Territory.

II. Budget

7. According to the United Kingdom, the Territory's 2013/14 budget document forecasts total operating revenues of approximately CI$ 645 million and operating expenses of some CI$ 544 million. Unaudited financial results indicated that during the financial year ending on 30 June 2013, the territorial Government registered a surplus of CI$ 63 million.

8. In 2012, the United Kingdom and the Cayman Islands set up a framework for fiscal responsibility that commits the Territory to prudent and transparent fiscal management through effective medium-term planning.

9. The Cayman Islands is a jurisdiction with no direct individual or corporate income tax. The principal sources of Government revenue are import duties, financial services, licence fees and stamp duties. There is also an environmental tax on visitors.

10. The Cayman Islands is not eligible for territorial allocations either under the ninth or the tenth European Development Fund. However the Territory is eligible for non-programmed aid. In 2013, a project financed from the ninth European Development Fund for a digital early warning regional radar system at a cost of 4.5 million euros was completed.

III. Economic conditions

A. General

11. The Cayman Islands has one of the highest standards of living in the Caribbean. The economy is based on the provision of financial services, the dominant sector in the economy, and tourism. There are no commercial fisheries.

12. The territorial Government estimated the 2012 gross domestic product (GDP) at US$ 2.5 billion. According to the Cayman Islands semi-annual economic report, in the first half of 2013 the Territory's economy grew by 0.9 per cent, owing mainly to tourism services and construction. In 2013, economic recovery continued to be hampered by a slow growth in financial services.

B. Financial services

13. The international financial services sector accounts for approximately 50 per cent of the Territory's GDP. According to the administering Power, the total number of stock listings with the Cayman Islands Stock Exchange remained unchanged during 2013 despite the growth in new listings, largely because of a rise in fund redemptions and debt maturities. For its part, in March 2013 the Exchange announced the migration of its trading platform to a new state-of-the-art system to enhance the trading of securities listed on the Exchange, which is expected to result in more demand for listings and attract new investor groups.

14. According to the November 2013 financial secrecy index data, the Cayman Islands accounts for over 4 per cent of the global market for international financial services. Data indicates that much of Cayman's business comes from the world's

biggest banks, corporations, hedge funds and other financial entities and arrangements: it has grown into the world's fifth biggest financial services centre, by some accounts hosting over 10,000 mutual funds. The Territory hosts over 200 banks, with over 40 of the top 50 banks from 45 countries holding licences in the Territory; 140 trust companies managing numerous trusts and other financial arrangements; and over 90,000 foreign companies, which pay licence fees to operate in the Cayman Islands. The Territory is by far the world's leading domicile for hedge funds, and the leading domicile for health-care insurance companies.

15. Further, the financial secrecy index assessment considers the Cayman Islands to be in the mid-range of financial secrecy arrangements, noting that during the period from 2011-2013, the Territory introduced limited changes to curb its financial secrecy arrangements, while still offering a wide range of "harmful secrecy facilities", including in the areas of legislation and financial regulation. In addition, in 2013 non-governmental organizations such as Action Aid, Christian Aid and War on Want called on the Territory to create a public register of owners of companies hitherto incorporated without disclosure of beneficial ownership information.

C. Tourism

16. According to the 2013 budget address, one of the key drivers for GDP growth in 2012 continued to be increased demand for stay-over tourism services. Cayman Airways, along with other airlines, opened new international services from various cities in Canada, Cuba, Honduras, Jamaica, the United States of America and a number of European countries. Domestic airline services and charters operate between the three islands.

17. In 2012, overall tourist arrivals grew by 6.9 per cent, reflecting a 7.6 per cent increase in cruise visitor arrivals, and a 4.1 per cent expansion in stay-over arrivals. A total of some 1.8 million arrivals were reported, with approximately 322,000 tourists arriving by air in 2012.

18. In 2013, redevelopment projects continued at the Charles Kirkconnell International Airport and at Owen Roberts International Airport. Other initiatives included work on a proposed new cruise berthing facility for the Territory.

D. Agriculture

19. In 2013, the Territory's Department of Agriculture, with assistance from the Caribbean Agricultural Research and Development Institute, began to develop a food and nutrition security policy and related plan of action with a view to affording residents the availability of healthier and more affordable foods. The Department of Agriculture encouraged local agricultural production through the provision of technical support, education and assistance to farmers.

20. According to the Territory's Economics and Statistics Office *Annual Economic Report 2012*, the contribution to GDP by the agricultural sector remained steady at an estimated CI$ 9 million. Demand for local produce and meats continued to remain strong, both among consumers and in the restaurant sector. Farmers continued to increase both the quantity and variety of local products to meet demand.

E. Infrastructure

21. According to the territorial Government, construction continued to decline in 2013. For instance, building permits granted decreased by 14 per cent from 737 to 634. Further, there were 759 construction projects under way in 2013, compared to 992 in 2012, constituting a drop by approximately 23 per cent in 2013.

22. The road network of the Cayman Islands comprises approximately 590 km of roadways, the majority of which are located in Grand Cayman. In 2013, a major bypass extension was opened in Grand Cayman, and maintenance took place on 99 district roads throughout the Territory.

F. Telecommunications and utilities

23. As a leading international business centre, the Cayman Islands is dependent on telecommunications and utility services. Four telephone companies provide fixed and/or mobile voice and data services, three companies provide subscription television services, and there are 15 FM radio broadcasting stations. As at 30 June 2013 the total number of fixed and mobile telephone lines had increased by 0.9 per cent to approximately 133,000. Over the same period, the number of fixed high-speed broadband connections increased by 5.6 per cent to approximately 19,800.

24. On Grand Cayman almost all power generation relies on imported diesel, where the Caribbean Utilities Company has a non-exclusive licence for electricity and for its transmission and distribution. On Cayman Brac and Little Cayman, the Cayman Brac Power and Light Company has exclusive licences. According to data from the Water Authority and the Cayman Water Company, potable water consumption by residential and commercial customers fell by 1.5 per cent during the first 10 months of 2013, compared to the same period in 2012, inter alia reflecting the effects of increased utility prices.

IV. Social conditions

A. General

25. According to official statistics, nearly 9,000 people received some type of assistance from public sector social services by the end of 2012. The number includes persons who received public welfare and those assisted through child protection, custody, juvenile delinquency and elderly care interventions. Child protection interventions showed a slight increase between 2011 and 2012, with a total of 116 children appearing in Court for care and protection matters, compared to 120 children in 2012.

B. Labour and immigration

26. According to the Cayman Islands *2012 Labour Force Survey Report*, the labour force numbers 38,811 persons, comprising 18,418 Caymanians (47.5 per cent of the labour force) and 20,393 non-Caymanians (52.5 per cent of the labour force).

The forecast unemployment rate for 2013 of 6.1 per cent represents a marginal improvement over the previous year.

27. According to the administering Power, the Territory's Immigration Law was amended in 2013 to effect changes, inter alia, to the grant of permanent residence, the expiration of the term-limit exemption permit for key employees, and the tenure of specialist caregivers. Building on the various amendments, the Department of Immigration worked to ensure that qualified and employable Caymanian workers were given preference for available jobs. Furthermore, during 2013, the Department of Immigration invested in training for the identification, processing and treatment of refugees, and revived a multi-disciplinary committee to address mass migration risks and concerns associated with a large influx of migrants and refugees.

C. Education

28. According to information transmitted by the administering Power, substantial year-on-year improvements have been registered in the grades of students graduating from government high schools, alongside considerable advancements in early childhood care and education and better interventions for the most vulnerable student groups.

29. A 2012 five-year strategic plan for education is being implemented. It provides a comprehensive road map for future developments under six strategic goals: (a) strengthen leadership and build national capacity; (b) build a world-class early childhood care and education system; (c) secure high standards and improve student progress and achievement; (d) build safer schools communities and promote inclusion; (e) enhance skills for learning, life and work; and (f) engage parents as partners in their children's learning.

30. Education is compulsory for all resident children between 5 and 16 years of age. The public education system caters to about two thirds of Caymanian children, with the remainder attending fee-paying schools. Two public and two private institutions provide tertiary education. Citizens from overseas benefit from the home student fee rate at British universities. The European Union 2013 Overseas Association Decision provides for access, inter alia, to horizontal European Union funds, such as the Erasmus higher education fund, and the da Vinci vocational education fund.

D. Public health

31. The Territory's Health Services Authority is responsible for the provision of all public health care. The territorial Government spent CI$ 106 million on health care in the 2012/13 financial year. Construction began in 2013 for a 132-acre community to surround Health City Cayman Islands. This is expected to expand medical tourism to the Islands in 2014, as well as offer health care, educational and employment opportunities in a variety of fields.

32. Health insurance is compulsory in the Cayman Islands. According to the administering Power, the 2012-approved amendments to the health insurance regulations that increased the mandatory minimum level of benefits are being implemented with an expected completion date of March 2014. Furthermore, data

from the *2010 Census of Population and Housing Report* indicated that there were no major gender disparities in access to health insurance.

E. Crime and public safety

33. The approximately 446-strong Royal Cayman Islands Police Service is headed by a Commissioner, who reports to the Governor. Between 2008 and 2013, the Cayman Islands saw a slow increase in number of serious and violent crimes with 33 murders, of which 23 involved the use of firearms, recorded.

34. Juvenile and Youth Court statistics in 2012 indicate a decrease of children appearing in Court for criminal offences compared to 2011 figures. For its part, the Department of Counselling Services hosted the first Alternative to Violence Project basic workshop in the Cayman Islands in 2013. The Project is dedicated to reducing violence by teaching and empowering individuals to lead non-violent lives.

35. According to the administering Power, in order to ensure that stakeholders are aware of the mandatory reporting of suspected cases of child abuse or neglect and other requirements of the Children Law (2012 Revision), in 2013 a one-week training workshop was undertaken by the Ministry of Community Affairs, Gender and Housing and the Department of Children and Family Services.

36. During 2012/13, the Territory's Prison Service produced a strategic plan that concentrates on the foundations of security and safety, and has engaged with partner agencies to work to reduce reoffending and give inmates the necessary skills to lead law-abiding lives.

37. The Cayman Islands Monetary Authority is the body responsible for monitoring compliance with international financial standards in the Territory and reporting findings to the territorial Government on a regular basis. An Anti-Corruption Commission has been established under the Territory's 2008 Anti-Corruption Law.

38. During 2013, the United Kingdom funded a law enforcement adviser based in Miami, Florida, who coordinates, manages and facilitates training and strategic advice to introduce new techniques and skills for the Territory's law enforcement agencies, while HMS *Lancaster* and Royal Fleet Auxiliary *Wave Knight* were on patrol in the Caribbean and North Atlantic to provide disaster relief and humanitarian assistance as needed. They were also engaged in counter-narcotics and interdiction patrols. Both ships made reconnaissance visits to the Territory to improve their coordination with local disaster management bodies.

F. Human rights

39. The Territory is subject to several major human rights conventions to which the administering Power has acceded, including the European Convention on Human Rights, and has a Human Rights Commission with responsibilities that include investigating complaints. According to the administering Power, a formal request was made in December 2013 to the United Kingdom Government to extend the Convention on the Elimination of All Forms of Discrimination against Women to the Cayman Islands.

40. As previously reported, Part 1 of the 2009 Constitution Order setting out the Bill of Rights, Freedoms and Responsibilities came into effect on 6 November 2012, with the exception of the provisions relating to the segregation of prisoners, which came into effect in 2013. These provisions cover, for example, the segregation of the convicted from the unconvicted. However, according to the administering Power, a lack of appropriate on-island facilities to remand children and, if they are convicted, to serve their sentences separated from adult detainees or prisoners needs to be addressed to ensure compliance.

41. In 2012, the Gender Equality Law 2011 took effect and a five-person Gender Equality Tribunal was established to hear and determine discrimination complaints. Since its establishment, the Gender Equality Tribunal has published a comprehensive policies and procedures manual as well as other brochures.

V. Environment and disaster preparedness

42. The Cayman Islands has acceded to the Convention on Biological Diversity. The Department of Environment works along with other agencies to ensure that the Territory's natural resources are preserved and protected. Further, Hazard Management Cayman Islands, a government agency, has overall responsibility for the Territory's hazard management programme, including preparedness, response, mitigation and recovery. An annual hurricane exercise is conducted prior to the hurricane season, which runs from 1 June to 30 November.

43. Careless recreational and artisanal fishing in the shallow waters around the Islands continues to represent a threat to Cayman's marine environment. In December 2013, the Legislative Assembly voted to enact a National Conservation Bill, which, inter alia, includes spending guidelines for an Environment Protection Fund. Further, the Department of Agriculture works to protect the agricultural sector from the introduction of invasive alien species that could negatively impact crop and livestock production, as well as public health and national flora and fauna, such as the Cayman blue iguana, which until very recently had been reduced to just a few.

44. In January 2014, a United Kingdom House of Commons Environmental Audit Committee issued a report entitled *Sustainability in the United Kingdom Overseas Territories* that identified a number of financial and institutional concerns regarding threats to unique habitats and species as well as the protection of biodiversity in the Overseas Territories.

45. In the report, the Environmental Audit Committee stated that during its inquiry, the United Kingdom Government expressed general but unspecified aspirations to "cherish" the environment in the Overseas Territories, but was unwilling to acknowledge or to address its responsibilities under United Nations treaties. This was found to be disappointing, because the environment in the United Kingdom Overseas Territories was globally significant and comprised 90 per cent of the biodiversity for which the United Kingdom Government had responsibility. According to the Environmental Audit Committee, the Government had failed to negotiate the extension of the Convention on Biological Diversity — the flagship United Nations policy on biodiversity protection — to the Overseas Territories. In addition, it had not ensured the accurate monitoring of biodiversity in the Overseas Territories. In environmental terms, the 2012 Overseas Territories White Paper was considered a missed opportunity.

46. Among the conclusions, the Environmental Audit Committee report mentioned that: (a) in the light of the international significance of the biodiversity in the United Kingdom Overseas Territories, 13 years was too long a gap between Overseas Territories White Papers; (b) the United Kingdom Government was prepared to exercise hard and soft power in relation to financial matters in the United Kingdom Overseas Territories, but it was apparently not prepared to exercise those powers to protect biodiversity and to promote environmental sustainability; (c) the four United Kingdom Overseas Territories to which the Convention on Biological Diversity had been extended (British Virgin Islands, Gibraltar, Saint Helena and the Cayman Islands) had not been effectively included in United Kingdom biodiversity reporting; it was felt that compliance with the stipulations of the Convention on Biological Diversity was ultimately a United Kingdom responsibility; (d) without enhanced monitoring, the United Kingdom Department for Environment, Food and Rural Affairs could not accurately report to the Convention on Biological Diversity on the full extent of biodiversity in the United Kingdom Overseas Territories and therefore measure progress towards the United Nations 2020 target to halt biodiversity loss.

47. With respect to the Cayman Islands, the report indicates that the Territory lacks baseline standards on development control, such as statutory environmental impact assessments for major developments and strategic development plans. For instance, while Grand Cayman has a development plan, environmental impact assessments are not a statutory requirement for developments. Cayman Brac and Little Cayman, which are relatively undeveloped, have no development plans and minimal planning controls. Reportedly acting within the current development framework, private developers are risking the biodiversity and ecological sustainability of the Cayman Islands as the direct consequence of inadequate development controls and lack of comprehensive governance arrangements. Further, the report contains expressions of concern about waste management practices in the Territory, and about the state-run and subsidized Cayman Turtle Farm, which in 2014 is expected to be the subject of a dialogue between the territorial Government and the World Society for the Protection of Animals.

48. Environmental Mainstreaming Initiative projects are expected to be extended with United Kingdom funding to help the Territory put environmental consideration at the heart of policy decision-making. The initiative focuses on the value of diverse ecosystems in supporting economies and the need to take account of these values in economic and physical planning, drawing together a range of stakeholders to identify priorities.

VI. Relations with international organizations and partners

49. The Cayman Islands is an associate member of the Economic Commission for Latin America and the Caribbean and of the United Nations Educational, Scientific and Cultural Organization and a member of the Universal Postal Union. The Cayman Islands also participates in the work of the Caribbean Community as an associate member and is a member of the Caribbean Development Bank and the International Olympic Committee.

50. As a Non-Self-Governing Territory of the United Kingdom, the Territory is associated with but not a part of the European Union. As of January 2014, the

Territory is a partner under the European Union 2013 Overseas Association Decision, approved, inter alia, in an effort to move away from a classic development cooperation approach to a reciprocal partnership that promotes sustainable development and the values and standards of the European Union in the wider world. Information on financial support provided to the Territory by the European Union can be found in section II above.

VII. Future status of the Territory

A. Position of the territorial Government

51. Information on the position of the territorial Government regarding the future status of the Cayman Islands is contained in paragraph 5 above.

B. Position of the administering Power

52. On 11 October 2013, at the 7th meeting of the Special Political and Decolonization Committee (Fourth Committee) of the sixty-eighth session of the General Assembly, the representative of the United Kingdom stated, inter alia, that the relationship of the United Kingdom Government with its overseas territories was a modern one based on partnership, shared values and the right of the people of each territory to choose to remain British. Where the people of a territory chose to remain British, the United Kingdom would maintain and deepen the special relationship.

53. The representative said that since the June 2012 publication of the United Kingdom Government's White Paper entitled "Security, Success and Sustainability", the United Kingdom had been working closely with the territories to develop that partnership further. His Government had a fundamental responsibility to ensure the security and good governance of its overseas territories. The United Kingdom had strengthened the annual meeting with territory leaders into a Joint Ministerial Council and had given it a clear mandate to lead work to review and implement the strategy and the commitments set out in the White Paper (see A/C.4/68/SR.7).

54. At the second meeting of the Overseas Territories Joint Ministerial Council, held in London on 26 November 2013, the United Kingdom and territory leaders agreed on a communiqué that included the following passage, which set out the joint position of the United Kingdom and the territories on self-determination:

> We reiterate our commitment to continuing to build a modern relationship based on partnership, shared values and the principle of self-determination. The people of each territory have the right to choose whether or not their Territory should remain a British Overseas Territory or to seek an alternative future.
>
> The right of self-determination is enshrined in the Charter of the United Nations. We believe that the people of all Overseas Territories have a right to determine their own futures, to decide on the path they wish to take and to maintain freely their constitutional link with the United Kingdom if that is their choice. Being a British Territory entails a balance of benefits and responsibilities. We affirm a commitment to shared values, high standards of governance and building a stronger partnership. Any decision to break the

constitutional link should be on the basis of the clear and constitutionally expressed wish of the people of the Territory. We believe that the United Nations Decolonization Committee should delist Territories where this is their wish.

Each Territory is unique and has its own Constitution. We will continue work to complete the process of constitutional modernizations so that Territories have the greatest self-government possible.

C. Action taken by the General Assembly

55. On 11 December 2013, the General Assembly adopted, without a vote, resolutions 68/95 A and B based on the report of the Special Committee (A/68/23) and the subsequent recommendation by the Fourth Committee. The operative part of section V of resolution 68/95 B, concerning the Cayman Islands, reads as follows:

"*The General Assembly*,

"...

"1. *Recalls* the 2009 Constitution of the Cayman Islands, and stresses the importance of the work of the Constitutional Commission, including its work on human rights education;

"2. *Requests* the administering Power to assist the Territory by facilitating its work concerning public awareness outreach efforts, consistent with Article 73 *b* of the Charter, and in that regard calls upon the relevant United Nations organizations to provide assistance to the Territory, if requested;

"3. *Welcomes* the active participation of the Territory in the work of the Economic Commission for Latin America and the Caribbean;

"4. *Also welcomes* the efforts made by the territorial Government to implement financial sector management policies, medical and sports tourism initiatives and unemployment alleviation programmes in various economic sectors, including through the establishment of special economic zones, economic diversification, and job and investment opportunities".